

Message Text

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INFO OCT-01 ISO-00 FEA-01 CIAE-00 DODE-00 NSAE-00 NSCE-00

SSO-00 USIE-00 INRE-00 ACDA-05 AGR-05 AID-05 CEA-01

CEQ-01 CG-00 CIEP-01 OFA-01 COME-00 DLOS-04 DOTE-00

EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07

INT-05 IO-11 JUSE-00 L-03 NSC-05 NSF-01 OES-03 OMB-01

PA-01 PM-04 PRS-01 SP-02 SS-15 SAL-01 /113 R

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INFO AMEMBASSY LONDON

USMISSION NATO

C O N F I D E N T I A L STATE 036595

E.O. 11652: GDS

TAGS: EFIS, MARR, PFOR, NATO, IC, UK

SUBJECT: UK/ICELAND FISHERIES DISPUTE: US POSITION ON
200 MILE LIMIT

REF: IRVING/PINKNEY TELCONS (FEBRUARY 13)

1. BEGIN UNCLASSIFIED: FOR YOUR INFORMATION AND USE AS
YOU SEE FIT, THE FOLLOWING PRINCIPLES GOVERNING FISHERIES
OFF THE COAST OF THE UNITED STATES HAVE ALREADY BEEN
ELUCIDATED BOTH BILATERALLY AND IN INTERNATIONAL CONFER-
ENCES AT WHICH THE UK AND ICELAND WEREREPRESENTED. THEY
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REFLECT THE "EMERGING INTERNATIONAL CONSENSUS" OF THE

LAW OF THE SEA SINGLE NEGOTIATING TEXT AND ARE CONSISTENT WITH THE CONGRESSIONAL LEGISLATION PASSEDBY BOTH HOUSES WHICH ALSO DREW ON THE LOS SINGLE NEGOTIATING TEXT. THE PRINCIPLES ARE:

-- ESTABLISHMENT OF AN EFFECTIVE CONSERVATION REGIME

FOR FISHERIES CONDUCTED OFF THE COAST OF THE U.S. BASED ON THE BEST AVAILABLE SCIENTIFIC EVIDENCE;

-- CREATION OF PREFERENTIAL HARVESTING RIGHTS FOR U.S.

FISHERMEN TO THE FULL LIMITS OF OUR HARVESTING CAPACITY;

-- IMPLEMENTATION OF AN ALLOCATION SYSTEM WHICH WILL SUBSTANTIALLY REDUCE FOREIGN CATCHES TO PERMIT U.S. FISHERMEN TO HARVEST TO THEIR FULL CAPACITY, WITH ONLY THE SURPLUS ALLOCATED AMONG FOREIGN FISHERMEN;

-- IMPLEMENTATION OF A STANDARDIZED SYSTEM FOR COLLECTION OF FISHERIES DATA WITH INFORMATION CONTRIBUTED BY BOTH FOREIGN AND DOMESTIC FISHERMEN;

-- INTRODUCTION OF MORE EFFECTIVE ENFORCEMENT PROCEDURES;

-- IMPLEMENTATION OF SATISFACTORY ARRANGEMENTS TO RESOLVE GEAR CONFLICTS AND INSURE ADEQUATE FOREIGN COMPENSATION TO U.S. FISHERMEN IN CASE OF NEGLIGENCE BY FOREIGN FISHERMEN.

2. THE USG BELIEVES THAT IMPLEMENTATION OF THESE PRINCIPLES THROUGH AGREEMENT WITH NATIONS FISHING OFF OUR COAST, PLUS AN ADDITIONAL PRINCIPLE MENTIONED BELOW, WILL PERMIT IT TO MOVE IN AN ORDERLY MANNER TOWARDS A 200 MILE FISHERIES ZONE, REGARDLESS OF WHETHER THIS EXTENSION IS ARRIVED AT THROUGH AGREEMENT IN THE LOS CONFERENCE OR THROUGH THE UNILATERAL DECLARATION EXPLICIT IN THE CONGRESSIONAL LEGISLATION.

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3. THE ADDITIONAL PRINCIPLE IS THAT, IN THE CASE WHERE A COUNTRY HAS TRADITIONALLY FISHED IN US WATERS AND THE ABRUPT DENIAL OF FURTHER FISHING RIGHTS WOULD CAUSE AN UNDUE HARDSHIP, THE UNITED STATES WOULD, THROUGH NEGOTIATION, ARRANGE FOR A GRADUAL PHASEDOWN OR PHASEOUT OF THE FISHING BY THAT COUNTRY OVER, SAY, A THREE-YEAR PERIOD. IT IS THE US VIEW THAT A BALANCE OF RIGHTS AND DUTIES IS INVOLVED IN DETERMINING ALLOWABLE

CATCHES FOR FOREIGN FISHERMEN IN THE COASTAL STATE'S ECONOMIC OR FISHERIES ZONE, TAKING INTO ACCOUNT, INTER ALIA, THE NEED TO MINIMIZE ECONOMIC DISLOCATION IN STATES WHOSE NATIONALS HAVE HABITUALLY FISHED IN THE AREA AND THEIR COOPERATION DURING SUCH TIME WITH RESPECT TO THE CONSERVATION OF THE RESOURCES. IN CASES WHERE THE FULL INITIAL IMPLEMENTATION OF U.S. PREFERENTIAL HARVESTING RIGHTS IN A SINGLE YEAR WOULD RESULT IN SEVERE ECONOMIC HARDSHIP FOR A FOREIGN STATE AND ITS NATIONALS, THE U.S. WILL CONSIDER ARRANGEMENTS FOR PHASED IMPLEMENTATION OVER A PERIOD OF TWO OR THREE YEARS IN THE CONTEXT OF

GENERALLY SATISFACTORY AGREEMENTS, PROVIDED THAT NO ADVERSE EFFECTS ON THE CONSERVATION OF THE STOCKS CONCERNED WILL RESULT. END UNCLASSIFIED.

4. (BEGIN CONFIDENTIAL) YOU MAY ALSO INFORM GOI OFFICIALS THAT DURING UNDER SECRETARY SISCO'S MEETING WITH LUNS ON JANUARY 10 THE LATTER WAS AUTHORIZED TO INDICATE TO THE BRITISH THAT THE US FISHING NEGOTIATIONS BASED UPON AN EVENTUAL 200 MILE LIMIT WERE ALREADY PREDICATED UPON PREFERENTIAL TREATMENT FOR THE ADJACENT STATE. (END CONFIDENTIAL). KISSINGER

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